that the declaration was not subject to demurrer on this ground is the better one. Under all of the circumstances of the case was it a matter which the court or the jury could better have decided after having heard the evidence?[34]

F. A. LeRoy Barkstrom

34. It is recognized that negligence becomes a question of law when only one reasonable interpretation can be drawn from the facts. McDermott v Severe, 202 U.S. 600, 50 L.Ed. 1162, 26 Sup. Ct. 709; but there is an unanimity among the courts as to when only one inference may be drawn, even though the facts are similar or the same. For example, regarding the "stop, look and listen" rule. Baltimore and O. Ry. v Goodman, 275 U.S. 66, 72 L. Ed. 167, 48 Sup. Ct. 24; Vaca v Southern Pacific Ry., 91 Cal. App. 470, 267 Pac. 346; Davis v Pere M. Ry., 216 N.W. 424; Contra, Seaboard Air L. Ry. v Sarman, 38 Ga. App. 637; 144 S. E. 810; Big Sandy Ry. Co. v Blair, 224 Ky. 367, 6 S.W. (2d) 453; St. Louis, B. and M. Ry. v Cole, 4 S.W. (2d) 1019.

NOTE: Through inadvertence the name of F. A. LeRoy Barkstrom of Stetson University, whose Case Comment—"Municipal Corporations, Zoning Ordinances, Validity Thereof" was published in the November issue of the Journal, was omitted.

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